

A G E N D A

General Plan/LCP Implementation Committee

January 31, 2007

3:30 p.m.

City Council Chambers

- I. Review and approval of Committee Meeting Schedule for 2007 (3:30 – 3:35)
(Attachment No. 1)
- II. Review and approval of revised schedule for Implementation Tasks (3:35 – 3:45)
(Distribution next week)
 - A. Fair Share Fee
 - B. Airport Infrastructure Study and Fee
 - C. Banning Ranch Pre-Annexation Agreement
 - D. Database refinements
- III. Review of draft Thresholds for Development Agreements (3:45 – 4:00)
(Attachment No. 2)
- IV. Review of draft Ordinance to implement single- and two-family design policies, and recommendations to City Council (4:00 – 4:30)
 - A. Schedule for adoption *(Attachment No. 3)*
 - B. Review of draft ordinance and recommendations to Planning Commission and/or City Council *(Distribution next week)*
- V. Review and approval of Zoning Code RFP (4:30 – 4:50)
(Attachment No. 4)
- VI. Public comments on non-agenda items (4:50 – 5:00)



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

2007 MEETING DATES

UNLESS OTHERWISE NOTED, MEETS EVERY OTHER WEDNESDAY
3:00 PM – CITY COUNCIL CHAMBERS

January 31

February 14

February 28

March 14

March 28

April 11

April 25

May 9

May 23

June 6

June 20

July 18

August 1

August 15

August 29

September 12

September 26

October 10

October 24

November 7

November 21

December 5

December 19

DRAFT DEVELOPMENT AGREEMENT THRESHOLDS

Development Agreements shall be required in conjunction with City approval of the following projects:

1. Projects for which a Development Agreement is required by General Plan policy.
2. Projects that introduce a use not previously allowed under the 1988 General Plan.
3. Projects in the Airport Area (Statistical Area L-4) that add floor area above existing development and that require discretionary approval.
4. Projects that add a substantial number of residential units ***[50 or more?]*** or non-residential floor area ***[40,000 sq. ft. or more?]*** beyond what was previously allowed in the 1988 General Plan ***[or above existing development?]***. ***[Comparing to 1988 GP may be okay for the short term, but would cause confusion over the long term as people forget how the 1988 GP works.]***
5. Projects for which a fiscal impact analysis is required, which shows a negative fiscal impact on the City. ***[Fiscal impact study requirement is in City Council Policy K-9, Economic Development, and needs to be revised for clarity.]***
6. Projects that require a significant public infrastructure improvement for their operation, when the project is not responsible for 100% of the cost of the improvement and additional or temporary funding sources must be identified.

The City Council may waive the requirement for a Development Agreement if it finds that the project provides benefits to the City ***[community?]*** that outweigh City costs for additional public infrastructure and City services required for the project.

**SCHEDULE FOR ORDINANCE TO IMPLEMENT
SINGLE- AND TWO-FAMILY DESIGN POLICIES**

	<u>Option 1*</u>	<u>Option 2</u>
Planning Commission Review (optional)	February 22	N/A
City Council 1 st reading	February 27	February 13
City Council adoption	March 13	February 27
Effective Date	April 12	March 29

* Requires amendment of Interim Resolution to extend exemption for single- and two-family development to comply with General Plan Policies.

Both options assume uncoded ordinance, without need to initiate Title 20 (Zoning Code) amendment.

REQUEST FOR PROPOSALS ZONING CODE RE-WRITE



**CITY OF NEWPORT BEACH
CALIFORNIA**

SUBMITTALS DUE BY:

March 16, 2007

TO BE SENT TO:

Gregg Ramirez, Senior Planner
City of Newport Beach
Planning Department
P.O. Box 1768
Newport Beach, CA 92658-8915
(949) 644-3219
gramirez@city.newport-beach.ca.us

INTRODUCTION

The City of Newport Beach requests statements of qualifications and proposals from professional planning firms to serve as a consultant to the City on a comprehensive re-write of the Zoning Code as a result of adoption of a comprehensive General Plan update in November 2006.

BACKGROUND

Newport Beach is a community of 81,000 year-round residents and over 30,000 additional summertime residents. Newport Beach covers 25.4 square miles, including 2.5 square miles of bay and harbor waters. The City has over 30 miles of bay and ocean waterfront. Newport Beach is predominantly residential, but also has over 1,223 acres of commercial and office developments, including Newport Center, Fashion Island, Newport Place, and Koll Center Newport. Newport Beach is also located within the departure path of John Wayne Airport. The City of Newport Beach incorporated in 1906 and became a charter city in 1954. The City operates under a Council-Manager form of government with a City Manager and a seven-member City Council from which the mayor is selected.

First adopted in 1950, the current Zoning Code has been amended numerous times, including significant formatting updates in 1976 and 1996. Past amendments were largely limited to format improvements, streamlining efforts, updates to comply with State law changes, and "fixes" to address particular issues. The Zoning Code has never been comprehensively updated or re-written, even to reflect new styles of residential development in large-lot subdivisions (as opposed to earlier development on small coastal lots). As a result, regulations have evolved over time into a combination of very complicated standards with a high number of exceptions and special provisions for unusual situations. In addition, newer developments are regulated by Planned Community development plans, for which there is no standard format. There are also six Specific Plans, which do not meet State requirements and serve more as zoning overlays. The age and complexity of the Zoning Code causes confusion for property owners, design professionals and City staff, makes plan checking for zoning compliance a detailed and lengthy process, and does not provide adequate flexibility for well-designed projects. The recently approved General Plan introduces new land use categories and regulatory concepts, including policies on quality design and architecture, which the existing Zoning Code is not equipped to implement.

Newport Beach is also in the process of certification of a Local Coastal Program. The Land Use Plan (CLUP) was certified on December 13, 2005, and the City has a draft of the Implementation Plan. The CLUP must be amended for consistency with the new General Plan, and the Implementation Plan must be

completed in a manner that is consistent with the new Zoning Code. City staff is performing the LCP work, and the consultant is expected to coordinate the Zoning Code re-write with the LCP Implementation Plan.

Included with this RFP are CD's of the City's General Plan, Zoning Code and CLUP.

DEFINITION OF TASK

Zoning Code

The recently adopted General Plan introduces several new commercial land use designations and no fewer than six new mixed-use designations tailored for specific geographic areas. The project includes writing new zoning provisions for these land use designations. The City also wishes to re-evaluate, and rewrite as necessary, all existing zoning districts and their use and development regulations, as well as all residential and commercial development regulations. The following is a list of issues the City has identified to be addressed in the Zoning Code re-write. The consultant is expected to review the existing Zoning Code and consult with City staff to make recommendations on changes or additions to this list.

1. New districts, including additional residential density categories, additional commercial categories, mixed-use districts and possible overlay zones to implement new General Plan)
2. Inclusionary housing requirements
3. Flexible zoning provisions to encourage development of desirable businesses
4. Incentives/restrictions for waterfront uses
5. Incentives for marine businesses in West Newport Mesa
6. Prohibition of on-shore facilities for off-shore oil and gas production
7. Stronger waterfront access requirements
8. Public view protection
9. Revision of definitions
10. Revision of Use Classifications/Tables
11. Modification Permit Chapter
12. Accessory structure regulations
13. Eating and drinking establishment regulations
14. Chapter 20.86 (Low and Moderate Income Housing in the Coastal Zone)
15. Convert Specific Plans to conventional zoning or overlay zones
16. Transfer of Development Rights
17. Lot consolidation incentives (West Newport, Old Newport Boulevard, Mariners' Mile)
18. Height and grade regulations
19. Residential setbacks to remain on District Maps vs. a more general regulation

20. Alternatives to FAR for regulating size and bulk of houses
21. Minimum standards for residential outdoor living area/open space
22. Residential neighborhood character: design standards o guidelines, without a avoid formal review process
23. Commercial interfaces with non-residential uses and buffering requirements
24. Commercial parking standards and in-lieu fee
25. Residential parking requirements based on size of homes
26. Establish lighting standards
27. Non-conforming provisions
28. Review all Specific Plans and convert to conventional zoning, overlays or specific plans as defined in State law
29. Standards for commercial parking on residential lots in Corona del Mar
30. New provisions for rebuilding non-conforming floor area in Corona del Mar

Consider whether Zoning Code should be separated from the Municipal Code for formatting purposes to allow the use of more graphics, exhibits and diagrams

Planned Community Development Plans

Changes to Planned Community (PC) development plans are also needed to implement the new General Plan. Some of these will be accomplished by private property owners who wish to take advantage of new General Plan provisions as soon as possible. The City will need to revise many others, and has not decided whether this work should be done by City staff or consultants. The City also wishes to receive proposals from consultants for this work, separate from the Zoning Code re-write. A list of required and recommended changes to PCs is attached.

PROJECT PROCESS AND COMPLETION GOAL

The City Council has established a General Plan/Local Coastal Plan Implementation Committee to oversee the Zoning Code rewrite and other projects to implement the new General Plan. The Committee is composed of three City Council members and three Planning Commission members. The Committee will be actively involved in reviewing the Zoning Code as it is being developed. They intend to use an iterative drafting process, in which the consultant presents sections of the draft code for review as they are completed, and receives Committee input and suggested revisions. The City is pursuing an aggressive schedule, shown below, with the goal of City Council adoption of a new Zoning Code in January 2008.

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|---|---|------------------|
| 1 | Committee approval and circulation of Request for Proposals | January 31, 2007 |
| 2 | Proposals due | March 2, 2007 |
| 3 | Committee selection of consultant(s), fee negotiation, and City Council approval of PSA | April 10, 2007 |
| 4 | Iterative drafting and staff/Committee review | October 26, 2007 |
| 5 | City Council approval (1 st reading) | January 2008 |

SUBMITTAL REQUIREMENTS

The following information is required to enable the City to evaluate consultants' qualifications and proposals:

1. Describe the experience of the consultant/firm in drafting or updating zoning codes. If experience with similar projects is available, provide the dates the projects were accomplished and the names and telephone numbers of project contacts. Explain the direct role of the consultant/firm if it was not the prime consultant, and describe the role of the consultant/firm Project Manager in these projects.
2. If a team approach for this project typically will be used, identify each subconsultant's relevant experience, the names of subconsultant contacts and their telephone numbers. If a team approach will be used, discuss the history of interaction between various members of the team.
3. Identify the consultant(s)' familiarity with Newport Beach, including any previous assignments in the City and assignments with other communities with similar characteristics or issues.
4. Provide a current reference list of a minimum of three clients, which includes names and telephone numbers of individuals who have a history of working with the consultant. Please identify the project for which the services were provided. If experience with similar consulting projects is available, provide a reference list of these clients and contact their information.
5. Summarize your understanding of the scope and purpose of the project including a brief overview of the methodology you would employ to accomplish the task. Include in your proposal how the iterative drafting and review of the document would be accomplished.
6. Identify the project manager and staff personal. List the names, specific

qualifications and level of effort of each person, including sub-consultants, who would be assigned to the project. For each person, identify the specific tasks he or she would be undertaking. Designate the person who would have overall responsibility for the project and the person who would be primarily responsible for contact with the City. Include the resumes of key individuals who will be assigned to the project, including individuals from any subconsultant who will be involved in the project.

7. Provide a proposed schedule for the completion of the project, including a time line with target dates for completion of each task. If the proposed time line does not meet the City's project completion goal, please explain why the goal cannot be met..
8. Provide a total budget by task. The budget should include costs for the time of the prime contractor's staff, sub-contractors, and costs for reimbursable expenses such as reproduction, materials, travel, etc. The budget should be on a "not to exceed" basis.
9. **Optional:** Provide a separate timeline and budget for revision of Planned Community Development Plans.

DEADLINE

The required submittals are due by 5:00 p.m. on Friday, March 2, 2007. Please submit qualification information to:

Gregg Ramirez, Senior Planner
City of Newport Beach
Planning Department
P.O. Box 1768
Newport Beach, CA 92658-8915
(949) 644-3219
gramirez@city.newport-beach.ca.us

Please submit ten (10) copies of your qualifications and proposals. Facsimile and electronic submissions will not be accepted. All questions, exceptions and requests for clarification should be included in the cover letter accompanying the submittal.

SELECTION PROCESS

The General Plan/LCP Implementation Committee and City staff will review the submittals. Consultants that meet the City's requirements will be invited to an interview with the Committee during the week of March 19 or 26, 2007. The City of Newport Beach reserves the right to reject all responses and terminate or reopen the selection process at any time.

Thank you for your interest in this project, we look forward to reviewing your proposal.

Newport Beach Coastal/Bay Water Quality Citizens Advisory Committee

Goals, Roles, Priorities 2007 (draft)

1 – Runoff and Pollution Reduction

- Smart controllers (ET, wick system, etc) – implement in City parks and medians, plus consider new construction requirement through ordinances (HB 8.6/NR 3.6 – Imp 14.3, 14.16; HB 8.14/NR 3.14 – Imp 17.1; NR 1.1 – Imp 2.1, 7.1, 17.1);
- Tiered water rates – embark upon and complete study in 2007 (NR 1.3 – Imp 17.1);
- Review and consider Water Conservation Ordinance for landscaping citywide (NR 1.1/Imp 2.1, 7.1, 17.1);
- Promote pervious surfaces citywide (HB 8.20/NR 3.20 – Imp 6.1);
- Establish a demonstration garden (with permeable pavement, CA-friendly landscaping) at old or new City Hall (HB 8.20/NR 3.20 – Imp 6.1);
- Put more screens on catch basins citywide (HB 8.15/NR 3.15 – Imp 7.1); and
- Partner with Miocean and others regarding trash removal, trash messages (HB 8.2/NR 3.2 – Imp 6.1, 8.1, 17.1, 18.1, 19.1).

2 – Education

- Make 2007 “the Year of the Back Bay Science Center” (opens summer 2007) – partnering with Surfrider, Miocean, UCI, OC HCA, community colleges, DF&G, NBN&F, City’s Marine Life Refuge Program on education and research programs (HB 8.18/NR 3.18 – Imp 29.1; HB 8.21/NR 16.6 – Imp 2.1, 23.1; NR 10.11); and
- Miocean trash partnership + on-water enforcement and education (HB 8.2/NR 3.2 – Imp 6.1, 8.1, 17.1, 18.1, 19.1).

3 – Review of Research

- Assist City in implementation of research and studies that support TMDL activities and that follow the adopted TMDL plans (HB 7.6/NR 3.22 – Imp 8.1, 17.1); and
- Encourage the partners at the BBSC to get more involved in TMDL-supportive research (HB 7.5/NR 16.6 – Imp 2.1, 23.1)

4 – Grant Review and Comment

- Serve as an advisory body to the City Council on existing grant-funded projects such as:
 - Buck Gully (NR 10.8);
 - Newport Coast Watersheds & ASBS Project; and
 - Harbor Area Management Plan (HAMP) (NR 11.1);
- Serve as “yea/nay” group for new grant proposals before taking them to City Council, hashing out long-term costs of both applying for the grant and for not applying for it.

HARBOR AREA MANAGEMENT PLAN (HB 10.3, NR 11.1)

SCHEDULE:

About 18 months. So I would put down September 2008 as an implementation deadline.

STAKEHOLDER GROUP:

Public, Council members (via new *Bay Issues Committee*), Harbor Commissioners (2-3), DF&G, US F&WS, Corps, Coastal Commission, NOAA's National Marine Fisheries Service (NMFS).

REVIEW BY:

Harbor Commission then to City Council.

DESCRIPTION OF WORK (AND LINKAGE TO GENERAL PLAN)

Scope of Work

Major Tasks

1 -- Determine eelgrass capacity. The City in conjunction with the U.S. Army Corps of Engineers completed an Eelgrass Restoration Project. During that process it was noted that eelgrass fluctuations throughout the harbor and upper bay resulted in a number of positive and negative unintended consequences. Navigation and boat mooring dredging are impacted by a proliferation of eelgrass. Permits for this kind of dredging became uncertain. It is the intent of the HAMP to recommend a minimum threshold capacity of eelgrass necessary for fish habitat. It is also expected that an eelgrass mitigation program be developed as part of this HAMP. Work also includes coordination with NOAA's National Marine Fisheries Service to determine the threshold for eelgrass fish habitat (NR 11.3, NR 11.4, NR 11.5).

2 -- LNB and UNB Dredging requirements. Lower Bay navigation is negatively impacted by sediment deposition resulting in shoals that impair the use of the harbor. In the Upper Bay sediment inbay basins require periodic dredging to maintain their sediment trapping capacity. Residential and commercial docks and slips require periodic dredging. The HAMP should make specific recommendations for methods, frequencies and costs for dredging the public areas. Consideration should also be given to developing priority dredging areas and recommending a range of reliable funding sources. (HB 7.1, NR 4.2)

3 -- Evaluate Upper Bay sediment control. Provide an assessment and make recommendations for the management of sediment inflows and sediment disposal frequencies for the Upper Bay sediment basins. The current Upper Newport Bay Ecosystem Restoration Project, if fully funded, is expected to be completed within two years. Once completed the responsibility for all sediment issues become the responsibility of the watershed cities (and County, DF&G, TIC). The HAMP would identify additional sediment controls that could be implemented and that which minimize the cost to the locals for maintaining the inbay sediment basins. Work should include coordination with the Newport Bay Management Committee (HB 13.1, 13.2, NR 4.1).

4 -- Recommendations to address contaminated sediment. There are a number of contaminated sediment issues that exist in Lower and Upper Bay.

Contaminated sediment issues represent a distinct negative impact for harbor dredging and public use. The Regional Water Quality Control Board has listed a number of contaminants in specific areas of the Lower Bay that need to be addressed. The consultant should utilize recent work done to study the Rhine Channel's contaminated sediment. Recommendations are needed for sediment disposal methods and locations, and future sediment testing protocols (NR 4.1).

5 -- Integrate with other planning efforts. Currently Fish and Game has completed (or is about to complete) a Management Plan for the UNB Ecological Reserve (UNBER). The Management Plan was very modestly funded. The RFP HAMP seeks to expand upon aspects of the new DF&G Management Plan and may include additional biological assessment, habitat restoration and public usage (NR 11.2, NR 16.1-16.4).

6 -- Regional General Permits. Every five years the city receives a Regional General Permit that has been approved by state and federal resource and regulatory agencies. The permit allows the city under the permit terms to allow small residential and public area dredging projects to proceed more expediently. However, the process the city must follow in order to obtain this permit consumes nearly 2-1/2 years of staff time. The consultant will provide input and recommendations for streamlining the permit renewal process and make sound recommendations for a longer-term permit period (HB 13.3, NR 14.3).

7 -- In-Bay Beach Replenishment Projects. Evaluate, recommend and prioritize beach replenishment needs within Lower Newport Bay. The process should include the recognition of beneficial re-use, and beach sustainability. The priority project list will be used for the State's AB 64 Beach Replenishment Program (HB 13.5, S 3.3).

8 -- Harbor Channel and Pierhead Lines. The federally approved configuration of Newport Harbor Channel and Pierhead lines have not been adjusted or modified since their inception decades ago. Consultant will evaluate these lines with regards to the current harbor usages and make recommendations for changes and modifications. The work should include the recent Harbor Commission work efforts in addressing this issue as to mooring area placement (HB 13.2, NR 13.2).

Other Tasks:

9 -- Review existing hydrodynamic modeling. Over the years a number of water modeling efforts have taken place that show flows into and around the Bay. A review of these modeling efforts is required as a part of this work. The purpose is to identify the most compatible and efficient models that can address water quality issues, as well as predicting sediment depositions throughout Upper and Lower Newport Bay. Work could also include recommendations for modeling enhancements or the development of a new model (NR 4.3).

10 -- Water Quality Best Management Practices. The city has aggressively approached best management practices to reduce pollutants for entering Upper and Lower Bay from urban runoff. An evaluation of these efforts will be part of this work. In addition, a number of boating best management practices (especially boat cleaning, boat maintenance, and bottom paint) need to be evaluated and specific recommendations are required for future boating-related best management practices (HB 8.1, 8.2, 8.6, 8.10)

11 -- Prioritize Project Funding. Develop a priority list of capital improvement projects for the Upper and Lower Bay. Evaluate these projects to determine how they will qualify for state bond funding and the time lines thereof. Evaluate the priority list for its eligibility for federal funding programs such as, the COE's Civil Works Programs, EPA Grants and NOAA Programs (HB 12.2).

12 -- Outreach. Consultant will attend public workshops, technical advisory meetings, watershed management committee meetings and prepare exhibits to support those endeavors. It is not anticipated that there will be more than two meetings per category.

Traffic Impact Fee Update – Tentative Schedule

1	Request for Proposals initiated	February 9, 2007
2	Proposals due	March 9, 2007
3	Consultant Selection, fee negotiation, and City Council approval of PSA	March 27, 2007
4	Draft traffic impact project list /IP Committee review	May 2007
5	City Council review and approval	August 28, 2007

Key Steps

- 1) Identify traffic impact projects and compile draft list.
- 2) IP Committee review and approval of the project list.
- 3) Consultant develops concept and cost estimate for each project.
- 4) Project costs are totaled and fee calculated based upon updated General Plan

Potential Schedule Constraints

- 1) Complexity and number of potential traffic impact projects identified.
- 2) Current workloads of qualified consultants.

SINGLE AND TWO-UNIT RESIDENTIAL POLICY REVIEW

Highlighted policies are those that staff believes are not relevant to the custom or "spec" homes or that should not be developed separately from the comprehensive code re-write. Comments for each are in *italics*. Keep in mind, tract maps (subdivision with 4 or more lots/units) and multi family developments are required by the adopting General Plan Resolution and the adopting Interim Procedures Resolution to adhere to all General Plan goals and policies.

Residential Neighborhoods

Goal

LU 5.1

Residential neighborhoods that are well-planned and designed, contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.

Policies

All Neighborhoods

LU 5.1.1 Compatible but Diverse Development

Establish property development regulations for residential projects to create compatible and high quality development that contributes to neighborhood character. *(Imp 2.1)*

The combination of the existing regulations and those proposed to implement LU5.1.5 will achieve this in the interim.

LU 5.1.2 Compatible Interfaces

Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development. *(Imp 2.1)*

Must be analyzed in conjunction with commercial regulations during the code re-write.

LU 5.1.3 Neighborhood Identification

Encourage and support the identification of distinct residential neighborhoods. *(Imp 1.1, 1.3)*

Will be encouraged for any new residential developments or major reconstruction of existing neighborhoods. Will be formally addressed in code re-write.

LU 5.1.4 Neighborhood Maintenance

Promote the maintenance of existing residential units through code enforcement and promotion of County and local rehabilitation programs, and public education. This may include providing information, guidance, and assistance where feasible. *(Imp 23.3, 25.1, 26.1, 29.1)*

On-going through existing code enforcement functions.

SINGLE-FAMILY DETACHED AND DUPLEX NEIGHBORHOODS

LU 5.1.5 Character and Quality of Single-Family Residential Dwellings

Require that residential units be designed to sustain the high level of architectural design quality that characterizes Newport Beach's neighborhoods in consideration of the following principles:

- ▶ Articulation and modulation of building masses and elevations to avoid the appearance of "box-like" buildings
- ▶ Compatibility with neighborhood development in density, scale, and street facing elevations
- ▶ Architectural treatment of all elevations visible from public places
- ▶ Entries and windows on street facing elevations to visually "open" the house to the neighborhood
- ▶ Orientation to desirable sunlight and views *(Imp 2.1)*

Single and two unit re-development typically limited in building orientation by existing subdivision patterns.

LU 5.1.6 Character and Quality of Residential Properties

Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized. *(Imp 2.1)*

LU 5.1.7 Renovation and Replacement of Existing Residential Units

Require that residential units that are renovated and rebuilt in existing single-family neighborhoods adhere to the principles for new developments, as specified by Policy 5.1.5 above. Consider the appropriateness of establishing single-family residential design guidelines and/or standards and review procedures for neighborhoods

impacted by significant changes in building scale and character. (*Imp 2.1, 8.2*)

LU 5.1.8 Parking Adequacy

Require that new and renovated single-family residences incorporate adequate enclosed parking in consideration of its number of bedrooms. (*Imp 2.1*)

This should be analyzed during the comprehensive code update. This is a major change in policy.

All Neighborhoods, Districts, and Corridors

Goal

Policies

LU 5.6

Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.

LU 5.6.1 Compatible Development

Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors. (*Imp 2.1*)

This policy will be analyzed during the code re-write especially in regard to commercial and residential interfaces.

LU 5.6.2 Form and Environment

Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns. (*Imp 2.1*)

LU 5.6.3 Ambient Lighting

Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location. *(Imp 2.1)*

Appropriateness to single and two unit developments will be analyzed during code re-write. Existing regulations limit the use of external lighting for tennis courts, swimming pools, etc.

LU 5.6.4 Conformance with the Natural Environmental Setting

Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach. *(Imp 2.1, 8.1)*

LU 5.6.5 Heliport/Helistop Compatibility

Require that all applicants for the construction or operation of a heliport or helistop comply with state permit procedures, file a Form 7480 (Notice of Landing Area Proposal) with the Federal Aviation Administration (FAA), and comply with all conditions of approval imposed by the FAA, Caltrans/Division of Aeronautics and Airport Land Use Commission (ALUC) for Orange County. *(Imp 14.9)*

Not applicable to residential.

NR 10.8 Standards for Buck Gully and Morning Canyon

Prepare natural habitat protection regulations for Buck Gully and Morning Canyon for the purpose of providing standards to ensure both the protection of the natural habitats in these areas and of private property rights. Include standards for the placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures. *(Imp 2.1, 6.1)*

Comprehensive plan to be done in conjunction with code update. Proposed Criteria No.7 should address this policy in the interim

Draft Single and Two Unit Residential Regulations

Proposed to be implemented as an uncoded ordinance.

- A. **Purpose.** To implement applicable design policies in the General Plan Land Use Element the comprehensive re-write of Newport Beach Municipal code Title 20, Zoning is complete.
- B. **Applicability.** These regulations apply to all single and two unit developments of four (4) or fewer parcels or dwellings, and additions thereto. Review of projects under this ordinance is ministerial and shall occur concurrently with the review of plans for building permit issuance.
- C. **Criteria.** The following criteria shall be used in determining a project's consistency with the intent and purpose of this section and with the General Plan.
 - 1. Long unarticulated exterior walls are discouraged on all structures. Massing offsets, varied textures, openings, recesses, and design accents on building walls should be used to enhance the architecture. Front facades shall include windows.
 - 2. Portions of upper floors should be set back in order to scale down facades that face the street, common open space, and adjacent residential structures. Upper story setbacks are recommended either as full length "stepbacks" or partial indentations for upper story balconies, decks, and/or aesthetic setbacks.
 - 3. Architectural treatment of all elevations visible from public places, including alleys, is encouraged. Treatments may include window treatments, cornices, siding, eaves, and other architectural features.
 - 4. Where the neighborhood pattern is for the primary entrance to face the street, the primary entry and windows should be the dominant elements of the front facade. Primary entrances should face the street with a clear, connecting path to the public sidewalk or street. Alternatively, entry elements may be visible from the street without the door necessarily facing the street.
 - 5. The main dwelling entrance should be clearly articulated through the use of architectural detailing.
 - 6. Impervious surfaces in front yards should not exceed 50% of the front yard area with the remaining area landscaped. The use of

hardscape for walkways, porches and outdoor living areas is permitted. Where a neighborhood pattern of front yards being completely developed with hardscaped outdoor living areas exists, the 50% minimum shall not apply. Under no circumstances shall hardscaped areas, other than driveways, be used for parking of vehicles.

7. Site planning should follow the basic principle of designing development to fit the features of the site rather than altering the site to fit the design of the development. Whenever possible, natural features such as cliffs, canyons, bluffs, significant rock outcroppings, natural vegetation should be avoided or the extent of alteration minimized whenever possible. Adequate buffers should be provided to protect significant or rare biological resources.
8. Trash container storage shall be out of view from public places, and may not be located in required parking areas.
9. Driveways visible from public right-of-way shall be no larger than required to access size of garage as follows:
 - One Car Garage: 10 Feet
 - Two Car Garage: 20 Feet
 - Three Car Garage: 25 Feet